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ACTION SCT-00

INFO LOG-00 MFA-00 NP-00 CIAE-00 INL-00 DS-00 EAP-00
FBIE-00 VC-00 TEDE-00 INR-00 L-00 VCE-00 DCP-01
NSAE-00 DHS-00 TFBI-00 PM-00 IRM-00 SSO-00 SS-00
ASDS-00 PMB-00 DSCC-00 PRM-00 DRL-00 NFAT-00 SAS-00
SWCI-00 /001W

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O 091153Z SEP 03
FM AMEMBASSY JAKARTA
TO SECSTATE WASHDC IMMEDIATE 9347
INFO ASEAN COLLECTIVE PRIORITY
AMEMBASSY CANBERRA PRIORITY
AMEMBASSY WELLINGTON PRIORITY
NSC WASHDC PRIORITY
SECDEF WASHDC PRIORITY
USCINCPAC HONOLULU HI PRIORITY

RELEASED IN PART
B1, 1.4(B), 1.4(D)

C O N F I D E N T I A L JAKARTA 010348

DEPT FOR S/CT, EAP/IET, DS/IP/EAP AND DS/IP/ITA

E.O. 12958: DECL: 09/09/2013
TAGS: PTER, PGOV, KJUS, KISL, ASEC, ID
SUBJECT: PUBLIC REACTION TO BA'ASYIR VERDICT; PROSECUTION
AND DEFENSE APPEAL

REF: A. JAKARTA 10151
B. JAKARTA 10024 AND PREVIOUS

1. (U) Classified by Political Officer Matthew Rosenstock for reasons 1.5 (b) and (d).

2. (C) Summary: Jemaah Islamiyah (JI) Emir Abu Bakar Ba'asyir's "Muslim Defense Team" filed its appeal September 4, contesting Ba'asyir's conviction on participating in treason and on immigration charges as well as the four year prison sentence he received. Prosecutors responded in kind September 8, appealing both the sentence and Ba'asyir's acquittal on the charge of leading an attempt to overthrow the government (i.e. leading JI), and the first of three immigration charges. Police publicly raised the possibility of additional charges against Ba'asyir under the anti-terrorism law September 5, but continued to argue that any future case against the cleric would likely depend on information police could only obtain from questioning Hambali.

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)
DECLASSIFY AFTER: 9 SEP 2023
DATE/CASE ID: 12 MAY 2009 200706444

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End

Summary.

"Muslim Defense Team" Appeals Court Decision

3. (SBU) Ba'asyir's "Muslim Defense Team" filed an appeal with the High Court September 4, contesting the verdict and sentence handed down by the Central Jakarta District Court September 2. Lead defense attorney Adnan Buyung Nasution told reporters that no evidence had been presented to prove Ba'asyir guilty of subversion. He believed the court had convicted him based solely on his close relationship with JI founder Abdullah Sungkar.

Prosecutors Appeal Verdict and Sentence

4. (C) Central Jakarta Prosecutors filed their own appeal September 8, focusing on the light sentence Ba'asyir received, and his acquittal on the primary charge of treason, for leading efforts to overthrow the Government of Indonesia as Emir of JI. This appeal, made to the High Court, focused on the facts of the case, and argued that judges misinterpreted the information and made a poor decision based on the evidence and testimony presented. Prosecutors also appealed directly to the Supreme Court on the decision to acquit Ba'asyir on the first of three immigration charges, for submitting false information in claiming Indonesian citizenship. This appeal was based on what prosecutors believed to be procedural errors in the court's decision, which was based on the argument that the GOI had not met the legal requirements to revoke Ba'asyir's citizenship when he was in Malaysia.

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Fiery Rhetoric Continues Despite Apparent Public Disinterest

7. (SBU) Indonesian opinion has been divided over the outcome of JI Emir Abu Bakar Ba'asyir's trial. Average Indonesians seem either indifferent to or have accepted the court's decision at face value, insisting Ba'asyir's hard line stance on implementing Islamic Shariah law is not in line with the opinions of most Indonesians. One man told a local television station that had solicited viewer opinions on the trial, "I am a good Muslim, but I am not like Ba'asyir." This view was also heard during our meetings with local government and Islamic leaders in Cirebon, West Java, where we discerned a decidedly low level of public interest in either the Ba'asyir trial or the existence of Jemaah Islamiyah. In a September 5 editorial, Kompas, one of Indonesia's most widely read Indonesian language newspapers, supported the ongoing legal process, saying it reflected the court's independence, and urged the public to respect the continuing legal process.

8. (SBU) Yet, despite this public support for the court's decision and the apparent indifference of many Indonesians regarding the outcome of Ba'asyir's trial, some Muslim opinion leaders have recently increased the volume and ferocity of their rhetoric. They have condemned the trial as

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unjust, saying it was engineered, and have incorrectly said the court acquitted Ba'asyir of any involvement with JI, which they claim as proof that JI either does not exist, or at the very least is not present in Indonesia. Din Syamsuddin, vice chairman of Muhammadiyah, the nation's second largest Muslim organization, told reporters September 4 that the verdict was bizarre, and a "stab in the back" for justice. Syamsuddin, who is also Secretary General of the Indonesia Council of Ulama (MUI), further suggested that Ba'asyir could sue Australian Prime Minister John Howard or well-known researcher Sidney Jones of International Crisis Group for slander because they named him as Emir of JI. Ba'asyir's own MMI called the court decision unjust and demanded Ba'asyir's release as well as the resignation of several senior GOI officials including Security and Political Affairs Minister Susilo Bambang Yudhoyono and National Police Chief Da'i Batchiar, saying they ordered Ba'asyir's trial without any evidence.

9. (SBU) Additionally, Hasyim Muzadi, chairman of Indonesia's largest Muslim Organization, Nahdlatul Ulama (NU), which boasts 40 million members, reportedly said at a book launching September 6 that Ba'asyir's trial proved that JI is not present in Indonesia. He told the press, "the U.S. wants to stigmatize Islam through Amrozi, JI, Iraq and so on." Muzadi's comments received coverage in the English language Jakarta post, as well as at least two small Indonesian language papers. Previously Muzadi, generally considered an influential opinion-maker among Indonesia's majority Muslim population, had not made such strong statements about JI or terrorism in Indonesia. In fact, just two days earlier Muzadi told reporters that Indonesians and foreigners alike should respect the court's decision and the ongoing legal process. His more recent comments may have been misreported, or it is possible that Muzadi is becoming more defensive in his rhetoric. Regardless, his statements received wide distribution in the local press.

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11. (U) Reacting to Muzadi's remarks, the National Police Headquarters Chief of Public Information, Zaenuri Lubis, told

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reporters September 8 that said Muzadi's statements were

incorrect. Lubis reaffirmed that police had direct evidence of JI as gathered in investigations of the Bali bombings and other attacks dating back to 2000. Lubis stated that "We are remaining cautious. JI still exists. For that reason, we must remain alert."

Ba'asyir Talks to the Press

12. (SBU) Ba'asyir remains behind bars at the Salemba Prison in Jakarta. Despite his conviction on charges of treason and immigration violations, Ba'asyir was reportedly busy receiving visitors September 4, including journalists from at least two major Indonesian dailies. Journalists from both the Indo Pos and Koran Tempo asked Ba'asyir about his trial, international reactions to his verdict, and what he thought of Hambali. Ba'asyir proclaimed his innocence, and accused the judges of "playing it safe...hoping he could be referred to a higher court." He told the reporters that his "legal process was full of foreign intervention," and that Australia and its allies feared the implementation of Islamic Shariah law in Indonesia, and had a "hidden agenda to occupy Indonesia." On the subject of Hambali, Ba'asyir called him "a good man," but said that perhaps Hambali was overzealous if he carried out the Bali bombings and other attacks. Nevertheless, Ba'asyir said that bombing churches would be justified if the church was "imposing limits on Muslims and the enforcement of Islamic Shariah." He told the journalists that Hambali had been right to "fight America, but he went over the limit." Ba'asyir reiterated earlier claims that he had been framed, and insisted he "should have been freed. No fault was proven."

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